

Legislative Bulletin.....May 19, 2010

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H.R. 5325—America COMPETES Reauthorization Act (Gordon, D-TN)

Conservative Concerns to H.R. 5325

- ***Overspending:*** \$48 billion is still almost double the cost of the original House passed version of the COMPETES Act in 2007 and a \$9.5 billion increase over the 2010 baseline budget. This does not take into account the approximately \$5 billion more spent under the "stimulus." Conservatives have expressed concern that this substantial increase is unwise at a time when we are running \$1.5 trillion annual deficits. Congress should show fiscal restraint at this time and not simply throw money at a problem.

- ***Bloated Bureaucracy:*** The 2007 COMPETES Act enacted approximately forty new programs; H.R. 5325 continues to include the creation of at least another six. It can be argued that these programs duplicate the objective of various other federal programs to make the U.S. more globally competitive in STEM education results. The total estimated authorizations for inclusion of these program cost \$1.3 billion.
- ***Costly Clusters:*** H.R. 5325 still contains a loosely defined regional innovation cluster program to facilitate market development through marketing and brand-building. This could amount to hundreds of millions of taxpayer funding for subsidized advertising and business development costs for any sort of industry “cluster” – Wall Street, Hollywood, summer and winter vacation destinations, Silicon Valley, even oil and gas clusters.
- ***Further Federal Involvement in Education:*** Washington D.C. should reduce its involvement in issues involving primary and secondary education. In the last half-century federal involvement in education has dramatically increased. Meanwhile our academic standing has declined in comparison to many of our international rivals.

For more details on these conservative concerns on H.R. 5325, see below.

Order of Business: The bill is scheduled to be considered under suspension of the rules on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the bill.

Major Changes: Last week, the America COMPETES Act (H.R. 5116) was pulled from consideration on the House Floor after a motion to recommit offered by RSC Member Ralph Hall passed the House by a vote of [292-126](#). A summary of the legislative bulletin for H.R. 5116 can be [seen here](#).

H.R. 5325 still contains serious flaws and **does not include several major important changes included by the MTR including:**

- H.R. 5325 does not strike the new programs created in H.R. 5116. It is estimated these new programs increases total authorizations in the bill by \$1.3 billion.
- Does not freeze all funding levels if the federal government is running a budget deficit. It is estimated this would reduce authorization levels in the bill by \$8 billion.
- Does not ensure that institutions serving individuals with disabilities, including disabled veterans, receive a designation consistent with other institutions that serve underrepresented populations in STEM programs.
- Does not requires institutions to allow military recruiters on campus to be eligible for funding under H.R. 5116 (Solomon Act).

In addition, several major changes to H.R. 5116 include:

While no CBO score is available, total authorizations in the bill are approximately \$48 billion over three year period. Under H.R. 5116, the COMPETES Act authorized approximately \$86 billion over a five year period.

However, \$48 billion is still almost double the cost of the original House passed version of the COMPETES Act in 2007 and a \$9.5 billion increase over the 2010 baseline budget. In addition, H.R. 5325 contains authorization levels of “such sums” for a number of new and existing programs. The “stimulus” also contained an additional \$5 billion for COMPETES Act programs at NIST, the NSF, and DOE.

The bill does contain language not allowing funds to be used to pay the salary of any individual who has been officially disciplined for violations of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

Finally, H.R. 5325 adopts the 52 amendments passed during consideration of H.R. 5116. A complete list of the amendments can be [viewed here](#). ***This includes an amendment offered by Rep. George Miller (D-CA) that is essentially a union hand-out.***

- ***Miller (D-CA)***. The amendment allows all public institutions of higher education that employ individuals represented by a labor organization to be eligible to use funding for facility and administrative costs for any activity or program supported by H.R. 5116. The amendment requires an institution to establish an inquiry process for unions to determine the administrative costs associated with participation in a program authorized in H.R. 5116. If an institution fails to comply with the request in 30 days, the amendment would require the suspension of payments to the institution for facilities and administrative costs until compliance is achieved. Some conservatives have expressed concern this provision grants unions additional benefits over other employments and shifts priorities of STEM from students, to union employees.

Conservative Concern: Some conservatives have expressed concern that the Miller amendment would funnel away dollars from NSF projects to help cover the high-cost of union labor and would place a federal bureaucrat to determine union entitlements under State or local labor law.

Summary: Totaling approximately \$48 billion in authorizations, H.R. 5325 would reauthorize the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act or the America COMPETES Act originally signed into law in 2007. This law passed the House by a vote of [367 – 57](#) and the Senate by unanimous consent. A detailed summary of the bill passed last week can be viewed by [clicking here](#).

Background Information: The [American COMPETES Act of 2007](#) was signed into law by former President George W. Bush in August of 2007 and is set to expire on September 30, 2010. The America COMPETES Act organizes programs recommended by the [National Academies](#) and the [Council on Competitiveness](#) to promote education in science, technology, engineering, and mathematics from elementary to graduate school

and postdoctoral education. The program increases research investment in certain science and math related areas.

Conservative Concerns: Some conservatives have expressed concern that the reauthorization of the COMPETES Act exemplifies the priorities of House Democrats - to quickly move budget busting bills in a partisan manner. Democrats bring to the floor legislation that throws money at ineffective programs and hastily enacts new programs that increase the size and scope of the federal government. Despite significant improvements made by the passage of the MTR to H.R. 5116, they return a bill to the House Floor that does not include many of the changes supported by 292 Members of the House.

Some conservatives have expressed concern over the cost and dramatic expansion of existing programs authorized compared to the original COMPETES Act. While H.R. 5325 reduces the authorization levels to approximately \$48 million over three years, some conservatives have expressed concern that this is still a substantial increase in unwise current spending levels at a time when we are running \$1.5 trillion annual deficits. Additionally, the 2007 COMPETES Act enacted approximately forty new programs; H.R. 5325 still enacts at least another six. It can be argued that these programs duplicate the objective of various other federal programs to make the U.S. more globally competitive in STEM education results.

Some conservative have expressed concern that H.R. 5325 dramatically expands the federal scope of involvement in education. H.R. 5325 establishes ***STEM education goals and objectives at the Department of Energy. Some conservatives would argue that the Department of Education has done very little to improve the quality of education and this bill now authorizes a whole new bureaucracy to*** get involved in this issue.

Some conservatives have also expressed concern over the establishment of Regional Innovation Clusters under Title V because it allows federal funding for activities well beyond research and development (i.e. advertising) with language so broad that nearly any type of industry sector could be awarded a “cluster” grant.

According to the [Brookings Institution](#) which originally conceived this program “clusters” can be organized around traded goods or services anywhere along the supply chain, from final goods and services to intermediate goods, to distribution chains, and research and development centers. In addition, they can develop from a large variety of reasons, ranging from proximity to natural resources to concentrations of ethnic minorities. Some conservatives have expressed concern these definitions are so broad that a cluster could essentially amount to anything, and additionally, the bill allows ‘clusters’ to use taxpayer funds for marketing activities. Most conservatives believe that the thought of publically funding advertisements for firms on Wall Street, Hollywood, Silicon Valley, vacation destinations, colleges, and countless other businesses based in a centrally located area is an extreme waste of taxpayer funding.

Finally, some conservatives have expressed concern that H.R. 5325 now adopts the Miller amendment that funnels away dollars from NSF projects to help cover the high-cost of union labor and places a federal bureaucrat in charge of determining union entitlements under state or local labor law.

Committee Action: None. On May, 18, 2010, the bill was introduced and referred to the House Budget Committee, Science and Technology Committee, and Committee on Education and Labor. No subsequent further action was taken.

Administration Position: While a Statement of Administration Policy (SAP) for H.R. 5325 is unavailable, the White House did release a SAP for H.R. 5116 and announced it “supports House passage of H.R. 5116, as reported by the House Science and Technology Committee.”

Cost to Taxpayers: A CBO score for H.R. 5325 is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill establishes several new programs at the National Science Foundation, National Institute of Science and Technology, and Department of Energy.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment? Yes, the bill reauthorizes several existing spending programs that affect the role of local education agencies to provide primary and secondary education programs. For example, one program redistributes federal funds for the purpose of facility modernization. Another program exists to assist with the acquisition of school supplies. Additionally, some of the programs authorized under H.R. 5325 could have an impact on the curricula development at local school districts.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

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H.R. 5220 – Eunice Kennedy Shriver Act
(Hoyer, D-MD)

Order of Business: The bill is scheduled to be considered on Wednesday, May 19,

2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5220 would reauthorize the Special Olympics Sport and Empowerment Act of 2004 to provide assistance to Best Buddies to support the expansion and development of mentoring programs and for other purposes.

Title I: Reauthorization of Special Olympics Act

- Extends a grant program, administered by the Secretary of Education, to the Special Olympics. Among other things, the grants may be used to promote the expansion of the Special Olympics (authorized at **\$9.5 million for FY2011** and “such sums” for the following four years), increase international participation (authorize at **\$4.5 million FY2011** and “such sums” for the following four years), and for the implementation of on-site health assessments and other health-related activities (authorized at **\$8.5 million for FY2011** and “such sums” for the following four years).
- To be eligible for a grant, the Special Olympics must submit an application containing a description of activities to be carried out with the grant and measurable goals. The Special Olympics must agree to submit an annual report including information on the progress toward meeting annual benchmarks, long-term goals, and demographic data about participants.

Title II: Best Buddies

- **Creates a new grant program**, administered by the Secretary of Education, to the Best Buddies program to carry out activities to promote the expansion of Best Buddies.
- To be eligible for a grant, Best Buddies shall submit an application including a description of activities to be carried out under the grant, and information on specific measurable goals to be achieved.
- The bill requires an annual report which will include the progress that has been made toward meeting measurable goals and objectives.
- The bill authorizes **\$10 million for FY2011 and “such sums” as may be necessary for the following four years.**

Title III: Establishment of Eunice Kennedy Shriver Institutes for Sport and Social Impact

- The bill establishes a program in which grants are awarded to eligible entities (e.g. institutions of higher education outlined in the bill) to establish “Eunice Kennedy Shriver Institutes for Sport and Social Impact,” which are new global institutes to conduct research on issues important to individuals with intellectual disabilities. The institutes will also honor the work of Eunice Kennedy Shriver.
- The grants will be awarded for a three year period.
- An eligible entity receiving a grant shall contribute no less than 25% of the costs of the activities assisted under the grant.

- To be eligible for a grant, the eligible entity shall submit an application including a description of activities to be carried out under the grant, and information on specific measurable goals to be achieved.
- The grant shall be used to “advance the quality of life and inclusion of people with intellectual disabilities through research and evaluation, technical assistance, training, data collection, evaluation, collaboration, and dissemination of evidence-based best practices.”
- Among other things, each entity receiving a grant must establish a research agenda and annual measurable benchmarks and long-term goals; provide training and technical assistance to people with intellectual disabilities; collect and analyze data related to full inclusion in community; and report on the research and findings.
- The section **authorizes “such sums” from FY2011 through FY2015.**

Additional Background: According to a resolution honoring the Special Olympics earlier this year, “Eunice Kennedy Shriver organized the first international Special Olympics Summer Games, which were held on July 20, 1968, in Chicago’s Soldier Field; The Special Olympics World Games are held every 4 years; The Special Olympics is dedicated to empowering individuals with intellectual disabilities to become physically fit, productive, and respected members of society through sports training and competition; The Special Olympics currently serves 2,500,000 people with intellectual disabilities in more than 200 programs in over 180 countries; The Special Olympics currently has 700,000 volunteers and 500,000 coaches worldwide...”

Best Buddies is a social and recreational program for people with intellectual disabilities. It is an international organization involved on 1,300 middle school, high school, and college campuses. The program operates by matching students with disabilities with other students to spur friendships.

Conservative Concerns: Some conservatives may be concerned that this bill provides a direct grant to specific private, non-profit organizations: Best Buddies and the Special Olympics.

Committee Action: H.R. 5220 was introduced on May 5, 2010, and referred to the House Committee on Education and Labor, in addition to the Committees on Foreign Affairs, and Energy and Commerce. No further public action was taken by any of the committees.

Cost to Taxpayers: H.R. 5220 does not have a CBO estimate. However, the bill authorizes \$22.5 million for Title I in FY2011, and such sums in FY2012 through FY2015. Title II and Title III are authorized at such sums for FY2011 through FY2015.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new grant program to Best Buddies and establishes the Eunice Kennedy Shriver Institutes for Sport and Social Impact.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report citing any potential earmarks is available.

Constitutional Authority: No committee report is available.

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov (202) 226-0718

H.R. 2136 – Stephanie Tubbs Jones College Fire Prevention Act (Fudge, D-OH)

Order of Business: The bill is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the bill. A similar bill was approved by the House last Congress by a vote of [365-51](#).

Summary: H.R. 2136 would establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program at the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories. Specifically, the bill would:

- Establish a demonstration program to award grants to install fire sprinkler systems in student housing, dormitories, and sororities/fraternities. As a condition of receipt of a grant, the applicant shall provide non-federal matching funds equal to not less than 50 percent of the cost of the activities for which assistance is sought. Funds shall be used to supplement, not supplant other funds that would otherwise be expended to carry out fire safety activities.
- Require a report not later than 12 months after the date of the first award of a grant and annually thereafter until completion of the program. The report shall include:
 - The number and types of eligible entities receiving assistance;
 - The amounts of such assistance, the amounts and sources of non-federal funding, and any other relevant financial information;
 - The number and types of student housing fitted with fire suppression or prevention technologies with assistance under this act;
 - Identification of federal and state policies that present impediments to the development and installation of fire suppression or prevention technologies; and
 - Any other information that is useful to evaluating the overall effectiveness of the program.
- Prohibits the use of the application, any negative determination, or any statement of reasons for the determination from being used as evidence in a proceeding of any court, agency, board, or other entity.

- The bill would require that grant priority be given to entities that have the greatest financial need, yet sets a requirement that at least 10 percent of funds be granted to historically Black colleges and universities (HBCUs), Hispanic-serving institutions, and tribal colleges and universities. In addition the bill would require that at least 10 percent of funds be made available for fraternities and sororities.

Conservative Concerns: Some conservatives may be concerned that this bill would authorize a new grant program to fund fire prevention systems for dormitories and fraternity and sorority houses, which many colleges and universities already require, without the behest of the federal government. The legislation also makes Native Hawaiian serving-institutions eligible for the 10 percent set-aside described above. Some conservatives may be concerned that Native Hawaiians are a racial group, not a tribe, and dispensing benefits to them would likely be subject to strict scrutiny in federal courts.

Committee Action: H.R. 2136 was introduced on April 28, 2009, and referred to the House Education and Labor Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, which took no further public action.

Cost to Taxpayers: H.R. 2136 does not have a CBO estimate. However, the bill authorizes “such sums as may be necessary” for FY 2010, FY2011, and FY2012.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new grant program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Yes.

Constitutional Authority: No committee report is available.

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H.Res. 1292 - Congratulating the Emporia State University Lady Hornets women's basketball team for winning the 2010 NCAA Division II National Championship (Moran, R-KS)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1292 would resolve that the House of Representatives:

- “Congratulates the Emporia State University Lady Hornet basketball team for winning the 2010 NCAA Division II National Championship; and

- “Recognizes the achievements of all the team's players, coaches, and support staff.”

The resolution lists a number of findings including:

- “The Emporia State University (ESU) Lady Hornet basketball team defeated the Fort Lewis Skyhawks by a score of 65 to 53 to win the 2010 NCAA Women's Division II National Championship in St. Joseph, Missouri, on March 26, 2010;
- “The ESU coaching staff of head coach Brandon Schneider and assistant coaches Jory Collins and Kiel Unruh guided the Lady Hornets to a final record of 30 wins and only 5 losses;
- “The 2010 National Champions consisted of seniors Cassondra Boston, Jamie Augustyn, Lacy Corker, and Sophia Lenard, juniors Ashley Ferrell, Negesti Taylor, Kayla Krueger, Dava Logsdon, and Alli Volkens, sophomores Jessen Tucker and Brittney Miller, and freshmen Rachel Hanf, Jocelyn Cummings, and Kelsey Newman;
- “ESU was led by the overall Most Outstanding Player of the tournament, Alli Volkens, who recorded 16 points, 15 rebounds, and five blocks in the championship game; and
- “The students, staff, alumni, and friends of Emporia State University along with the city of Emporia, Kansas, deserve much credit for their support of the Lady Hornet basketball team.”

Committee Action: H.Res. 1292 was introduced on April 22, 2010 and referred to the House Education and Labor Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1336 - Congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship (Smith, R-TX)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1336 would resolve that the House of Representatives:

- “Congratulates the University of Texas men's swimming and diving team for winning the 2010 NCAA Division I national championship.”

The resolution lists a number of findings including:

- “On March 28, 2010, the University of Texas Longhorns men's swimming and diving team won the 2010 NCAA Division I national championships with 500 points;
- “2010 marked the 10th NCAA national championship for the University of Texas men's swimming and diving team;
- “Head coach Eddie Reese led the team to excellence and became the first men's swimming and diving coach to win NCAA team titles in four separate decades; and
- “Senior Dave Walters and sophomore Jimmy Feigen were named the 2010 Big 12 Co-Swimmers of the Year, and sophomore Drew Livingston was named the 2010 Big 12 Diver of the Year.”

Committee Action: H.Res. 1336 was introduced on May 6, 2010, and referred to the House Education and Labor Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1361 – Recognizing North Carolina Central University on its 100th anniversary. (*Price, D-NC*)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1361 would resolve that the House of Representatives:

- “Honors the memory of Dr. James E. Shepard for his role in founding North Carolina Central University;
- “Celebrates the 100th anniversary of North Carolina Central University, recognizes the University's accomplishments over the past century, and encourages North Carolina's citizens to participate in activities marking this historic occasion; and
- “Directs the Clerk of the House of Representatives to make available five enrolled copies of this resolution to Dr. Charlie Nelms, the current Chancellor of North Carolina Central University.”

The resolution lists a number of findings including:

- “North Carolina Central University (NCCU) in Durham, North Carolina, was chartered in 1909 as a private institution and opened to students on July 5, 1910;
- “The school was founded by Dr. James E. Shepard as the National Religious Training School and Chautauqua for the Colored Race with the purpose of developing African-American men and women into citizens of fine character and sound academic training;
- “NCCU and its home city of Durham, North Carolina, have long enjoyed a close and mutually beneficial relationship, with the University's total economic impact on Durham and the surrounding region estimated at more than \$300,000,000 per year, and thousands of NCCU graduates have served Durham and its citizens as leaders, educators, professionals, entrepreneurs, and volunteers; and
- “NCCU's undergraduate and graduate programs have produced many distinguished alumni, including, to name just a few, civil rights lawyer and educator Julius L. Chambers, basketball Hall of Fame member Sam Jones, two-time Olympic track gold medalist Lee Calhoun, North Carolina philanthropy executive Valeria L. Lee, Vogue magazine editor Andre Leon Talley, attorney Willie E. Gary, banking executive Evelyn F. Smalls, insurance executive James Speed, educator and state Senator Jeanne Hopkins Lucas, former North Carolina House of Representatives Speaker Dan Blue, longtime state legislator Henry M. ‘Mickey’ Michaux, former Atlanta Mayor Maynard Jackson, biochemist Ida Stephens Owens, actor and director Ivan Dixon, Metropolitan Opera soprano Hilda Harris, psychologist Norman B. Anderson, former Raleigh Mayor Clarence Lightner, former North Carolina Governor Michael F. Easley, Member of United

States Congress Eva Clayton, and Member of United States Congress G.K. Butterfield.”

Committee Action: H.Res. 1361 was introduced on May 13, 2010, and referred to the House Education and Labor Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

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H.Res. 996 - Expressing support for designation of September as National Childhood Obesity Awareness Month (*Fudge, D-OH*)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 996 would resolve that the House of Representatives:

- “Supports the designation of National Childhood Obesity Awareness Month to raise public awareness and mobilize the country to address childhood obesity;
- “Recognizes the importance of preventing childhood obesity and decreasing its prevalence in the United States; and
- “Requests that the President issue a proclamation calling on the Federal Government, States, Tribes and tribal organizations, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of promoting healthy eating and physical activity and increasing awareness of childhood obesity among individuals of all ages and walks of life.”

The resolution lists a number of findings including:

- “Significant disparities exist among the obesity rates of children based on race and poverty, for example 38 percent of Mexican-American children and 34.9 percent of African-American children ages 2 to 19 are overweight or obese, compared with 30.7 percent of White children and 39.5 percent of low-income American Indian and Alaska Native children ages 2 to 5 are overweight or obese;
- “In part due to the childhood obesity epidemic, 1 in 3 children (and nearly 1 in 2 minority children) born in the year 2000 will develop type 2 diabetes at some point in their lifetime if current trends continue;
- “Proper nutrition is important for children before birth and through their life-span as nutrition has beneficial effects for health and body weight, and is key in the prevention of various chronic diseases;
- “Members of Congress have championed legislation to reduce and bring awareness to the issue of childhood obesity; and
- “The American College of Sports Medicine, American Diabetes Association, American Dietetic Association, American Heart Association, American Medical Group Association, American Sleep Apnea Association, American Society of Bariatric Physicians, American Society for Metabolic and Bariatric Surgery, American Society for Nutrition, Amerinet, BET Foundation, Black Women's Health Imperative, Campaign to End Obesity, Canyon Ranch Institute, Center for Science in the Public Interest, Children's Health Fund, Children's National Medical Center, Children Now, COSHAR Foundation, First Focus, HealthCorps, International Health, Racquet, and Sportsclub Association, Medical Fitness Association, National Association of Children's Hospitals, National Association of Chronic Disease Directors, National Association of School Nurses, National Association for Sport and Physical Education, National Family Caregivers Association, National Football League (NFL), National Football League (NFL) Players Association, National Indian Health Board, National Latina Health Network, National League of Cities, National Medical Association, Obesity Action Coalition, Partnership for Prevention, Richard Simmons' Ask America PE Crusade, ShapeUp America!, STOP Obesity Alliance, The Obesity Society, Trust for America's Health, United Way, U.S. Preventive Medicine, Inc., Voices for America's Children, YMCA of the USA, and YWCA USA support the designation of September as National Childhood Obesity Awareness Month to educate the public about the need for increased education and proactive steps to prevent childhood obesity in the United States.”

Committee Action: H.Res. 996 was introduced on December 19, 2009 and was referred to the House Energy and Commerce Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution does not authorize additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226 8576.

H.Res. 713 - Recognizing the significant contributions of United States automobile dealerships, and expressing the sense of the House of Representatives that in the interest of equity, automobile dealers whose franchises have been terminated through no fault of their own be given an opportunity of first consideration once the auto market rebounds and stabilizes (*Green, D-TX*)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 713 would resolve that the House of Representatives:

- “The House of Representatives recognizes the significant contributions of United States automobile dealerships; and
- “It is the sense of the House of Representatives that a quantifiable number of automobile dealerships which have been successful and are being closed not of their own doing, but instead as a function of the auto market as a whole, should be given an opportunity to obtain a dealership franchise when auto manufacturers seek new partners to open future dealerships in their respective geographic areas.

The resolution lists a number of findings including:

- “Dealers are independently owned, and combined, represent the largest retail business in the United States, with approximately \$693,000,000,000 in revenues in 2007;
- “Franchised dealers employ over 1,100,000 people, comprise nearly 20 percent of all retail sales in the United States, and, in total, pay billions annually in state and local taxes;
- “The Nation's 20,700 independent franchised new car dealerships comprise an industry that is largely privately held, with private ownership accounting for 92 percent of the market;
- “Some restructuring of dealer networks was necessary to increase domestic competitiveness, certain United States auto manufacturers' decisions to close a

- combined 1,900 automobile dealerships, many of which were successful, put thousands of jobs at risk; and
- “Auto dealers will play a key role in any effort to revive the United States auto industry.”

Committee Action: H.Res. 713 was introduced on July 31, 2009 and was referred to the House Energy and Commerce Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 2546 - Blue Star/Gold Star Flag Act (*Bocchieri, D-OH*)

Order of Business: The bill is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2546 would prohibit a condominium, cooperative, or residential real estate management association from restricting or preventing a member of that association from displaying the Service Flag on residential property within the association.

Additional Information: A Service Flag is white with a red border and one or more blue stars in the center: one star for each family member serving in the military during times of war or hostility. If a service member dies, the blue star is covered by a gold star.

Potential Conservative Concern: A possible conservative concern may be that the legislation mandates associations to take (or not take) certain actions that may otherwise be seen as local decisions internal to the association.

Committee Action: H.R. 2546 was introduced on May 21, 2009 and was referred to the House Financial Services Committee.

Cost to Taxpayers: A CBO report is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Although the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov (202) 226-8576

H.R. 1177 - 5-Star Generals Commemorative Coin Act (Moore, D-KS)

Order of Business: The legislation is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: In recognition and celebration of the 5-Star Generals attendance and graduation from the Command and General Staff College, the Secretary of the Treasury shall mint and issue three new coins:

- \$5 gold coins - The Secretary shall not issue more than 100,000
- \$1 silver coins - The Secretary shall not issue more than 500,000
- \$0.50 clad coins – The Secretary shall not issue more than 750,000

H.R. 1177 states that these coins shall be legal tender, and each coin minted under this Act shall contain:

- “A designation of the value of the coin;
- “An inscription of the year ‘2013’; and
- “Inscriptions of the words ‘Liberty’, ‘In God We Trust’, ‘United States of America’, and ‘E Pluribus Unum’.”

This bill states that the coins be sold by the Secretary at a price equal to the sum of:

- “The face value of the coins;

- “The surcharge provided in section 7(a) with respect to such coins; and
- “The cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

Surcharges are as follows:

- “A surcharge of \$35 per coin for the \$5 coin;
- “A surcharge of \$10 per coin for the \$1 coin; and
- “A surcharge of \$5 per coin for the half dollar coin.”

All surcharges received by the Secretary shall go to the Command and General Staff College Foundation to help finance support of the Command and General Staff College. The Command and General Staff College Foundation will be subject to audit, with regard to the amounts received from surcharges.

Committee Action: H.R. 1177 was introduced on February 25, 2009 and referred to the House Committee on Financial Services, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226 8576.

H.R. 5128 - To designate the Department of the Interior Building in Washington, District of Columbia, as the “Stewart Lee Udall Department of the Interior Building” (*Heinrich, D-NM*)

Order of Business: The legislation is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5128 would designate the Department of the Interior Building at 1849 C Street, Northwest, in Washington, D.C. as the “Stewart Lee Udall Department of the Interior Building.”

Additional Information: Stewart Lee Udall was elected to the U.S. House of Representatives in 1954 from Arizona. He served on the United States House of Representatives Committee on Interior and Insular Affairs (1955-1960); the House, Education and Labor Committee (1955-1956); and the House Committee on Education and Labor (1957-1960). During the 85th Congress (1957-1958), Stewart served on a Joint Committee on Navajo-Hopi Indian Administration. He was appointed by President Kennedy to serve as Secretary of the Interior. He passed away on March 20, 2010.

Committee Action: H.Res. 5128 was introduced on April 22, 2010, and referred to the House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and emergency Management. A full committee markup was held and the legislation was approved by voice vote on April 29, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1339 - Expressing support for designation of May as National Foster Care Month and acknowledging the responsibility that Congress has to promote safety, well-being, improved outcomes, and permanency for the Nation's collective children. (McDermott, D-WA)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1339 would resolve that the House of Representatives:

- “Supports the designation of National Foster Care Month;
- “Honors the tireless efforts of those who work to improve outcomes for children in the child welfare system;
- “Acknowledges the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care;
- “Recognizes the significant improvements to Federal, State, and local child welfare policy; and
- “Reaffirms the need to work through the title IV programs in the Social Security Act and other programs to support vulnerable families, invest in prevention and reunification services, promote adoption in cases where reunification is not in a child's best interest, adequately serve those children brought into the foster care system, and facilitate the successful transition into adulthood for children that ‘age out’ of the foster care system.”

The resolution lists a number of findings including:

- “On average, the Nation's foster care system provides for nearly 500,000 children each day who are unable to live safely with their biological parents;
- “Almost 55,000 children were adopted out of foster care in fiscal year 2008, but the number of children ‘aging out’ of the foster care system without finding a permanent family increased to an all-time high of nearly 30,000 in fiscal year 2008;
- “Federal legislation over the past three decades, including the Adoption Assistance and Safe Families Act of 1980, the Adoption and Safe Families Act of 1997, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, provided new investments and services to improve the outcomes of children in the foster care system; and
- May would be an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child welfare workforce, foster parents, advocacy community, and mentors and the positive impact they have on children's lives.”

Additional Information: This resolution mentions Fostering Connections to Success and Increasing Adoptions Act of 2008 (H.R. 6893 from the 110th Congress), which passed on September 17, 2008 by voice vote.

Committee Action: H.Res. 1339 was introduced on May 6, 2010 and was referred to the House Ways and Means Committee, which held a markup and approved the resolution.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5139 - Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010 (*Berman, D-CA*)

Order of Business: The legislation is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5139 extends the International Organizations Immunities Act to the Office of the High Representative in Bosnia and Herzegovina, and the International Civilian Office in Kosovo, and their officers and employees.

This seeks to aid diplomats from politically motivated lawsuits.

Additional Information: The International Organizations Immunities Act was enacted in 1945 and established a group of foreign or international organizations whose members could work in the U.S. and have certain exemptions from U.S. taxes and search and seizure laws.

Committee Action: H.R. 5139 was introduced on April 26, 2010 and referred to the House Foreign Affairs Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's

no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1324 - Expressing condolences and sympathies for the people of China following the tragic earthquake in the Qinghai province of the Peoples Republic of China on April 14, 2010 (*McMahon, D-NY*)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1324 would resolve that the House of Representatives:

- “Expresses its deepest condolences and sympathies for the loss of life and the physical and psychological damage caused by the earthquake of April 14, 2010;
- “Expresses solidarity with the people of the Qinghai province, Tibetan-Americans, Chinese-Americans, and all those who have lost loved ones or have otherwise been affected by the tragedy, including rescue and humanitarian workers;
- “Reaffirms the United States pledge, issued by Secretary of State Hillary Rodham Clinton, to stand ready to assist the people of China during this difficult period; and
- “Expresses support for the recovery and long-term reconstruction needs of the residents of the areas affected by the earthquake, including the restoration of monasteries and other Tibetan Buddhist sites that are integral to the preservation of Tibetan culture and religious traditions.

The resolution lists a number of findings including:

- “On April 14, 2010, an earthquake measuring 6.9 on the Richter scale struck the Qinghai province of southwest China;
- “At least 18 aftershocks measuring more than 6.0 on the Richter scale followed the quake throughout the day in the seismically active zone;
- “Over 2,000 people have been killed and over 10,000 injured, numbers that are feared to climb; and
- “The international community is sending much needed supplies and supporting local Chinese relief efforts.”

Committee Action: H.Res. 1324 was introduced on May 4, 2010 and was referred to the House Foreign Affairs Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 873 - Establishing a United States Consulate in the Kurdistan Region of Iraq (Rohrabacher, R-CA)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 873 would resolve that the House of Representatives:

- “Calls on the Department of State to establish a United States Consulate in the Kurdistan Region of Iraq.”

The resolution lists a number of findings including:

- “15 countries including leading European nations have diplomatic and consulate representation in Erbil, the capital of the Kurdistan Region of Iraq;
- “The United States Department of State modified its Travel Warning for Iraq this year to reflect the relative safety and security of the Kurdistan Region of Iraq;
- “The establishment of a United States Consulate in the Kurdistan Region of Iraq is consistent with current United States policy to normalize bilateral United States-Iraq relations at the diplomatic, commercial, cultural, and educational levels as the United States Armed Forces redeploys from Iraq;
- “The establishment of a United States Consulate in the Kurdistan Region will both be helpful in attracting greater United States business and investment to the region and ensuring that the region continues to serve as a ‘gateway’ to United States business success in other parts of Iraq, as a number of United States Government agencies have advocated;

- “The establishment of a United States Consulate in the Kurdistan Region of Iraq will positively contribute to continued diplomatic initiatives between the KRG and Turkey.”

Committee Action: H.Res. 873 was introduced on October 27, 2009 and was referred to the House Foreign Affairs Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures. However, the resolution does call on the State Department to establish a United States Consulate in the Kurdistan Region of Iraq, which would be a cost to taxpayers.

Does the Bill Expand the Size and Scope of the Federal Government?: No. However, the resolution does call on the State Department to establish a United States Consulate in the Kurdistan Region of Iraq, which would lead to an expansion of the Federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5327 - United States-Israel Missile Defense Cooperation and Support Act (*Nye, D-VA*)

Order of Business: The legislation is scheduled to be considered on Wednesday, May 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5327 would authorize assistance to Israel for the procurement, maintenance, and sustainment of the Iron Dome anti-missile defense system for purposes of intercepting short-range missiles launched against Israel.

Additional Background: Every day, Israel faces the threat of attack from Hamas and Hezbollah on its borders. In January 2010, Israel announced its successful testing of the Iron Dome anti-missile defense system. The system is capable of intercepting short-range missiles launched by militants in Gaza and South Lebanon. President Obama

recently requested \$205 million to help Israel procure and maintain the Iron Dome missile batteries.

Committee Action: H.R. 5327 was introduced on May 18, 2010 and referred to the House Committee on Foreign Affairs, which took no further public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No CBO score is available. However, President Obama has requested \$205 million for the program.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Although the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

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